

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2209 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

ISHWARBHAI DAHYABHAI

Versus

STATE OF ,GUJARAT

Appearance:

MR SH SANJANWALA for Petitioner
MR DC DAVE for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/08/1999

ORAL JUDGEMENT

Earlier this Court (Coram : Mr Justice A.N. Divecha) had passed the order dated 26.2.1996 quashing the impugned order at Annexure "M" and remanded the matter to the State Government with a direction to grant the application for exemption made by the petitioners under Section 20(1) of the Urban Land (Ceiling & Regulation) Act, 1976 on the same terms and conditions on which such exemption was granted to the other co-owners with respect to their adjacent lands. The State Government was directed to comply with the said order

within six weeks and the matter was adjourned to 15.4.1996.

2. Aggrieved by the said interim order, the State Government preferred Letters Patent Appeal No. 403 of 1996. When the appeal came up for hearing before the Division Bench on 13.7.1999, the learned Government Pleader produced a certificate and stated that possession of the disputed land has not been taken. Accordingly, the appeal was disposed of by the following order :-

"Learned counsel for appellant states that the possession of the disputed land has not been taken. Certificate produced by the Learned Counsel is taken on record.

Hence LPA stands disposed of."

3. When the petition reached hearing today, Mr RS Sanjanwala, learned counsel for the petitioners has produced a photostat copy of the certificate dated 26.5.1999 from the Competent Authority and Additional Collector, ULC, Surat to the petitioners stating that possession of the land in question was not taken over. Mr Sanjanwala, therefore, submits that this petition as well as the proceedings under the ULC Act in respect of the land in question have abated.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M.S. Shah, J.)

sundar/-